

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 486

Introduced by Assembly Member Parra

February 14, 2003

An act to amend Sections 14601 and 14601.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 486, as amended, Parra. Vehicles: suspended license: penalties.
~~Existing~~

(1) *Existing* law imposes fines and terms of confinement in the county jail for driving with a suspended or revoked license, for driving with a license that was suspended or revoked for a violation of certain driving-under-the-influence (DUI) provisions, and for driving in violation of restrictions imposed upon the license for a violation of the DUI provisions.

This bill would increase specified fines and terms of imprisonment for those license violations. *The bill would impose a state-mandated local program by increasing the term of imprisonment in the county jail that may be imposed for specified license violations.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14601 of the Vehicle Code is amended
2 to read:

3 14601. (a) No person may drive a motor vehicle at any time
4 when that person's driving privilege is suspended or revoked for
5 reckless driving in violation of Section 23103 or 23104, any reason
6 listed in subdivision (a) or (c) of Section 12806 authorizing the
7 department to refuse to issue a license, negligent or incompetent
8 operation of a motor vehicle as prescribed in subdivision (e) of
9 Section 12809, or negligent operation as prescribed in Section
10 12810, if the person so driving has knowledge of the suspension
11 or revocation. Knowledge shall be conclusively presumed if
12 mailed notice has been given by the department to the person
13 pursuant to Section 13106. The presumption established by this
14 subdivision is a presumption affecting the burden of proof.

15 (b) A person convicted under this section shall be punished as
16 follows:

17 (1) Upon a first conviction, by imprisonment in the county jail
18 for not less than ~~10 five~~ days or more than ~~one year~~ six months and
19 by fine of not less than ~~five~~ three hundred dollars (~~\$500~~) (\$300)
20 or more than one thousand dollars (\$1,000).

21 (2) If the offense occurred within five years of a prior offense
22 that resulted in a conviction of a violation of this section or Section
23 14601.1, 14601.2, or 14601.5, by imprisonment in the county jail
24 for not less than 20 days or more than one year and by fine of not
25 less than one thousand dollars (\$1,000) or more than two thousand
26 dollars (\$2,000).

27 (c) If the offense occurred within five years of a prior offense
28 that resulted in a conviction of a violation of this section or Section
29 14601.1, 14601.2, or 14601.5, and is granted probation, the court
30 shall impose as a condition of probation that the person be
31 confined in the county jail for at least 10 days.

32 (d) Nothing in this section prohibits a person from driving a
33 motor vehicle that is owned or utilized by the person's employer,
34 during the course of employment, on private property that is

1 owned or utilized by the employer, except an offstreet parking
2 facility, as defined in subdivision (d) of Section 12500.

3 (e) When the prosecution agrees to a plea of guilty or nolo
4 contendere to a charge of a violation of this section in satisfaction
5 of, or as a substitute for, an original charge of a violation of Section
6 14601.2, and the court accepts that plea, except, in the interest of
7 justice, when the court finds it would be inappropriate, the court
8 shall, pursuant to Section 23575, require the person convicted, in
9 addition to any other requirements, to install a certified ignition
10 interlock device on any vehicle that the person owns or operates
11 for a period not to exceed three years.

12 SEC. 2. Section 14601.2 of the Vehicle Code is amended to
13 read:

14 14601.2. (a) No person may drive a motor vehicle at any time
15 when that person's driving privilege is suspended or revoked for
16 a conviction of a violation of Section 23152 or 23153 if the person
17 so driving has knowledge of the suspension or revocation.

18 (b) Except in full compliance with the restriction, no person
19 may drive a motor vehicle at any time when that person's driving
20 privilege is restricted, if the person so driving has knowledge of the
21 restriction.

22 (c) Knowledge of suspension or revocation of the driving
23 privilege shall be conclusively presumed if mailed notice has been
24 given by the department to the person pursuant to Section 13106.
25 Knowledge of restriction of the driving privilege shall be
26 presumed if notice has been given by the court to the person. The
27 presumption established by this subdivision is a presumption
28 affecting the burden of proof.

29 (d) Any person convicted of a violation of this section shall be
30 punished as follows:

31 (1) Upon a first conviction, by imprisonment in the county jail
32 for not less than 10 days or more than one year and by a fine of not
33 less than five hundred dollars (\$500) or more than one thousand
34 dollars (\$1,000), unless the person has been designated ~~an~~ a
35 habitual traffic offender under subdivision (b) of Section 23546,
36 subdivision (b) of Section 23550, or subdivision (b) of Section
37 23550.5, in which case the person, in addition, shall be sentenced
38 as provided in paragraph (3) of subdivision (e) of Section 14601.3.

39 (2) If the offense occurred within five years of a prior offense
40 that resulted in a conviction of a violation of this section or Section

1 14601, 14601.1, or 14601.5, by imprisonment in the county jail for
2 not less than 30 days or more than one year and by a fine of not less
3 than five hundred dollars (\$500) or more than two thousand dollars
4 (\$2,000), unless the person has been designated an habitual traffic
5 offender under subdivision (b) of Section 23546 or subdivision (b)
6 of Section 23550, in which case the person, in addition, shall be
7 sentenced as provided in paragraph (3) of subdivision (e) of
8 Section 14601.3.

9 (e) If any person is convicted of a first offense under this
10 section and is granted probation, the court shall impose as a
11 condition of probation that the person be confined in the county jail
12 for at least 10 days.

13 (f) If the offense occurred within five years of a prior offense
14 that resulted in a conviction of a violation of this section or Section
15 14601, 14601.1, or 14601.5 and is granted probation, the court
16 shall impose as a condition of probation that the person be
17 confined in the county jail for at least 30 days.

18 (g) If any person is convicted of a second or subsequent offense
19 that results in a conviction of this section within seven years, but
20 over five years, of a prior offense that resulted in a conviction of
21 a violation of this section or Section 14601, 14601.1, or 14601.5
22 and is granted probation, the court shall impose as a condition of
23 probation that the person be confined in the county jail for at least
24 10 days.

25 (h) Pursuant to Section 23575, the court shall require any
26 person convicted of a violation of this section to install a certified
27 ignition interlock device on any vehicle the person owns or
28 operates.

29 (i) Nothing in this section prohibits a person who is
30 participating in, or has completed, an alcohol or drug rehabilitation
31 program from driving a motor vehicle that is owned or utilized by
32 the person's employer, during the course of employment on
33 private property that is owned or utilized by the employer, except
34 an offstreet parking facility as defined in subdivision (c) of Section
35 12500.

36 *SEC. 3. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *the only costs that may be incurred by a local agency or school*
39 *district will be incurred because this act creates a new crime or*
40 *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

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